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*Attorneys for Plaintiff and Counterdefendant*  
*N2 Packaging Systems, LLC*

**IN THE UNITED STATES DISTRICT COURT**  
**STATE OF ARIZONA**

N2 Packaging Systems, LLC, an Arizona  
 limited liability company,

Plaintiff,

v.

N2 Pack Canada, Inc., an unincorporated  
 fictitious entity; Eric Marciniak, individually;  
 Brendan Pogue, individually; Alejo Abellan  
 aka Alex Abellan, individually; Chakra  
 Cannabis Corp., a Canadian federal  
 corporation; and DOES 1-10, inclusive,

Defendants.

1079765 B.C. Limited d/b/a N2 Pack Canada,  
 Inc., a British Columbia entity; Eric  
 Marciniak; Brendan Pogue; Alejo Abellan  
 aka Alex Abellan; Chakra Cannabis Corp., a  
 Canadian federal corporation,

Counterclaimants,

v.

N2 Packaging Systems, LLC, an Arizona  
 limited liability company,

Counterdefendant.

Case No. 2:19-cv-02351-PHX-GMS

**Stipulated Motion to Dismiss**

(The Honorable G. Murray Snow)

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1 Plaintiff/Counterdefendant N2 Packaging Systems, LLC (“Plaintiff” or “N2 Packaging”)  
 2 and Defendants/Counterclaimants 1079765 B.C. Limited d/b/a N2 Pack Canada, Inc. (“1079765  
 3 B.C.”), Eric Marciniak (“Marciniak”), Brendan Pogue (“Pogue”), Alejo Abellan aka Alex  
 4 Abellan (“Abellan”), and Chakra Cannabis Corp. (“Chakra”) (collectively, “Defendants” and  
 5 together with “Plaintiff,” hereafter “the Parties”), hereby move this Court pursuant to Fed. R.  
 6 Civ. P. 41(a)(2) to dismiss all remaining claims and counterclaims not already resolved by the  
 7 judgment entered by the Court (Doc. 192), with prejudice, each party to bear its own attorneys’  
 8 fees and costs.

9 Entry of the proposed form of order lodged herewith will dismiss the remaining claims  
 10 and parties from this action, with prejudice, each party to bear its own attorneys’ fees and cost,  
 11 as follows: (a) Counts Two, Three, Four, Five, Six, Nine, and Ten asserted in the First Amended  
 12 Complaint against Defendants Abellan and/or Chakra; and (b) Counts One, Four, Seven, Eight,  
 13 Nine and Ten asserted in the First Amended Complaint against Marciniak and Pogue; and (c)  
 14 the Counterclaim asserted by Marciniak, Pogue, Abellan, and Chakra against Counterdefendant  
 15 N2 Packaging. This form of order has no effect upon the final judgment entered against 1079765  
 16 B.C. (Doc. 192).

17 With the entry of the proposed form of order lodged herewith, and the Judgment entered  
 18 against 1079765 B.C. (Doc. 192), there are no remaining claims asserted in this action against  
 19 any party. Accordingly, the Parties request the Court vacate all deadlines and conferences set  
 20 forth in the Court’s Orders (Doc. 183 and Doc. 185), including the Telephonic Final Pretrial  
 21 Conference set for September 24, 2021, at 1:30 p.m.

22 RESPECTFULLY SUBMITTED this 15<sup>th</sup> day of September, 2021.

23 **BIANCHI & BRANDT**

24 /s/ Nicholas J. Scavio

25 Justin M. Brandt, Esq.

26 Nicholas J. Scavio, Esq.

27 Clark Wu, Esq.

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**WILENCHIK & BARTNESS**

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**ALEJO ABELLAN**

/s/ Alejo Abellan (w/ permission)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 15, 2021, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing, which transmitted notice of the filing to all counsel of record.

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